

REMARKS

Claims 1-6, 8-10, 12, 13, 16, 18-23, 25, 28, 30, 32, 35, 39, 42, 51-54, 56, 71, 72, 74 and 75 are pending. Claims 1, 18, 28, 35, 42, 51 and 71 are the only independent claims.

All of the pending claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0087653 to Leung et al. (hereinafter "Leung") in view of Applicant Admitted Prior Art (hereinafter "AAPA"). Assorted additional claims were rejected under 35 U.S.C. § 112, as being indefinite. Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Substance of Interview

As a preliminary matter, Applicant gratefully acknowledges the courtesies extended by the Examiner in the March 3, 2009, telephone interview with Applicant's representative, Jeffrey Lotspeich. The Examiner's comments and explanations were helpful and very much appreciated. Pursuant to MPEP § 713.04, Applicant provides the following remarks.

Prior to the interview, the Examiner was provided with a proposed claim amendment, which was discussed with respect to the Leung reference. Applicant's position was that para. 0065 of Leung discloses that compression is performed at the link layer, which at best is **at** the RLC and MAC layer. Thus, Leung does not disclose that a "PDCP entity is located within a layer of a network protocol stack that is located above a layer in which a radio link control (RLC) entity is located, and above a layer in which a medium access control (MAC) entity is located," as required by claim 1. The Examiner noted this distinction, but further remarked that the issue of obviousness would need to be considered in a future Office Action.

Rejection under 35 U.S.C. § 112

Page 3 of the Office Action identified a number of claims that were rejected under 35 U.S.C. § 112, as being indefinite. The Office Action indicated that it was unknown if the claims related to a network protocol stack or a physical location. The forgoing amendments to the independent claims are believed to be fully responsive to the points raised, inasmuch the claims

now recite a network protocol stack. Withdrawal of the rejection is believed proper and is respectfully and earnestly requested.

Rejection under 35 U.S.C. § 103(a)

All of the pending claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leung in view of AAPA.

“Common transport channel”

Claim 1 is directed toward a method for providing point-to-multipoint services in a radio communication system and recites “in a point-to-multipoint service, transmitting the header compressed data over a common transport channel to each of a plurality of the users of the radio communication system.”

Page 5 of the Office Action refers to the PDSN and HSBS features of Leung as teaching assorted features of the claimed point-to-multipoint service of claim 1. Applicant’s review of Leung reveals that these aspects are shown and described with regard to the general access network topology of Fig. 5. In particular, Leung describes PDSN 320 as participating in multi-cast routing of IP packets by duplicating the IP multi-cast packets using multi-cast-capable routers. (Leung para. 0071). Leung further states that PCF 310 determines the number of individual users in the active set that are in the destination subscription group and duplicates the frame received from the CS 326 for each of those users. (Leung para. 0072). A further point stressed by Leung includes the anchoring BSC 304 duplicating the transmission frame and sending it to neighboring BSCs. (Leung para. 0072).

The identified passages of Leung emphasize that its system relates to a scheme in which the transmission frames are simply duplicated before they are sent to various users. This duplication of frames means that Leung utilizes a dedicated channel for transmitting to each of the users of the so called point-to-multipoint service of that reference. Claim 1, in contrast, now recites “transmitting the header compressed data over a common transport channel.” The distinction is that Leung simply describes use of a dedicated channel (by virtue of duplicating the various data frames sent to the various users), which is entirely different than the “common transport channel” recited in claim 1.

“Above a layer”

A second distinction relates to the claim 1 feature of “the PDCP entity is located within a layer of a network protocol stack that is located above a layer in which a radio link control (RLC) entity is located, and above a layer in which a medium access control (MAC) entity is located. As noted above, the Examiner acknowledged Applicant’s arguments that para. 0065 of Leung discloses that compression is performed at the link layer, which at best is **at** the RLC and MAC layer. Thus, Leung does not disclose the above-identified “above a layer” feature of claim 1.

In view of the foregoing, Applicant submits that Leung does not teach various features of claim 1. Applicant further submits that none of the other prior art of record supply any of the deficiencies of Leung. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Leung with AAPA in the manner asserted, claim 1 would still be patentable since all of the claim elements would not be taught or suggested.

Independent claims 18, 28, 35, 42, 51 and 71 contain language similar to claim 1, and thus, these claims are also believed to be patentable over the prior of record for reasons similar to those presented above in conjunction with claim 1. The rejected dependent claims are also believed to be patentable at least by virtue of their dependence upon their respective independent claims.

CONCLUSION

In view of the above remarks, Applicant submits that the currently pending claims of the present application are in condition for allowance. Reexamination and reconsideration of the application is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

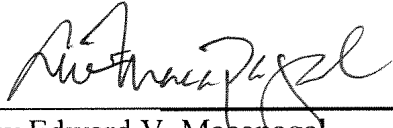
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Customer No. 035884

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Respectfully submitted,

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